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Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Note verbale dated 12 March 2007 from the Permanent Mission of the Netherlands to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Kingdom of the Netherlands to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) and, with reference to paragraph 5 of Security Council resolution 1727 (2006), has the honour to transmit herewith a report, as requested, on the steps the Netherlands' Government has taken to implement the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and by paragraph 6 of resolution 1643 (2005) (see annex).

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Annex to the note verbale dated 12 March 2007 from the Permanent Mission of the Netherlands to the United Nations addressed to the Chairman of the Committee

Netherlands report on efforts towards implementation of Security Council resolution 1727 (2006)

Pursuant to paragraph 5 of United Nations Security Council resolution 1727 (2006), I have the honour to inform you about the steps taken by the Netherlands government to implement the measures imposed by paragraphs 7, 9 and 11 of resolution 1572 (2004) and by paragraph 6 of resolution 1643 (2005).

As a Member State of the European Union (EU), the Netherlands implements the provisions of resolutions that fall within the scope of the competence of the EU via EU Common Positions and European Regulations, the latter being directly applicable in the Netherlands. The restrictive measures against Côte d'Ivoire imposed by resolutions 1572 and 1643 have been jointly implemented by taking the following common measures:[1]

- Council Common Position 2007/92/CFSP of 12 February 2007[2] renews the measures floating from Common Position 2004/852/CFSP[3] and Common Position 2006/30/CFSP[4] until 31 October 2007. Common Position 2006/30/CFSP sets out the EU's commitment to implementation of all the measures contained in resolutions 1572 and 1643, and provides the basis for some of the specific implementing measures adopted by the Council of the EU. Common Position 2006/30/CFSP renewed the measures contained in Common Position 2004/852/CFSP, which imposed the measures contained in resolution 1572, and additionally provided for the prohibition on the import of rough diamonds from Côte d'Ivoire imposed by resolution 1643 (2005).

- Council Decision 2006/172/CFSP of 27 February 2006[5] implements Common Position 2004/852/CFSP and establishes, for the purposes of the visa ban, the list of three persons designated by the Côte d'Ivoire Sanctions Committee on 7 February 2006.

- Council Regulation (EC) No. 174/2005 of 31 January 2005,[6] as amended by Commission Regulation (EC) No. 1209/2005,[7] implements in the European Community the restrictions on the supply of assistance related to military activities to Côte d'Ivoire as imposed by resolution 1572. The Commission Regulation amends the list of competent authorities in Member States to which

[1] All common measures are published in the Official Journal of the European Union, which can be consulted through the following web pages: http://europa.eu.int/eur-lex/lex/JOIndex.do?ihmlang=en (published issues) and http://europa.eu.int/eur-lex/lex/RECH_menu.do?ihmlang=en (search form).

[2] Official Journal of the European Union L 41, 13.02.2007, p. 16.

[3] Official Journal of the European Union L 368, 15.12.2004, p. 50.

[4] Official Journal of the European Union L 19, 24.1.2006, p. 36.

[5] Official Journal of the European Union L 61, 2.3.2006, p. 21.

[6] Official Journal of the European Union L 29, 2.2.2005, p. 5.

[7] Official Journal of the European Union L 197, 28.7.2005, p. 21.

the Council Regulation assigns specific functions in the implementation of the Council Regulation.

- Council Regulation (EC) No. 560/2005 of 12 April 2005,[8] as amended by Commission Regulation (EC) No. 250/2006,[9] implements in the European Community the freezing of funds and economic resources of persons and entities designated by the United Nations Sanctions Committee and the prohibition of making funds or economic resources available to such persons or entities, with certain exemptions as provided for in resolution 1572. The Commission Regulation amends the Council Regulation by including the list of three persons designated by the Côte d'Ivoire Sanctions Committee on 7 February 2006 in annex I to the Council Regulation.

- The prohibition on the import of all rough diamonds from Côte d'Ivoire, as imposed by resolution 1643, is being enforced in the European Community by virtue of Council Regulation (EC) No. 2368/2002 of 20 December 2002,[10] which implements the Kimberley Process Certification Scheme (KPCS) in the European Community. Given that no Kimberley Process certificates are being issued by Côte d'Ivoire and given that the Chair of the Kimberley Process has instructed Participants in the KPCS not to accept any shipments of rough diamonds with certificates issued by the authorities of Côte d'Ivoire, no rough diamonds from Côte d'Ivoire can currently be imported into the European Community. Moreover, in implementation of the resolution adopted by KPCS Participants meeting in plenary in Moscow in November 2005, the European Commission (which represents the European Community in the KPCS) has requested the authorities of Member States to report any imports of rough diamonds suspected of involving rough diamonds originating in Côte d'Ivoire, and any cases of trade of rough diamonds within the EC that are suspected of involving rough diamonds originating in Côte d'Ivoire. To date, there have been no confirmed cases in the EU of import or trade involving rough diamonds originating in Côte d'Ivoire since the entry into force of Regulation 2368/2002.

- Council Regulation (EC) No. 539/2001 of 15 March 2001[11] requires nationals of Côte d'Ivoire to be in possession of a visa when entering the European Union.

The Netherlands Minister of Foreign Affairs, in cooperation with other ministers concerned, has laid down national provisions in secondary legislation, within the framework of the Sanctions Law 1977 to stretch for implementation of above-mentioned EU Common Positions and Regulations. Pursuant to Common Position 2004/852/CFSP and Council Regulations (EC) No. 174/2005 and No. 560/2005, *Sanctieregeling Ivoorkust 2005*[12] provides for national realization of the measures to prevent the supply, sale or transfer to Côte d'Ivoire of arms or any related materiel, as well as the provision of any assistance, advice or training related to military activities; to prevent the entry into or transit through their territories of

[8] Official Journal of the European Union L 95, 14.4.2005, p. 1.

[9] Official Journal of the European Union L 42, 14.2.2006, p. 24.

[10] Official Journal of the European Union L 358, 31.12.2002, p. 28.

[11] Official Journal of the European Union L 81, 21.3.2001, p. 1.

[12] *Stcrt.* 124, 30 June 2005.

certain persons; and to provide for the freezing of funds, other financial assets and economic resources. *Sanctieregeling conflictdiamanten 2003*[13] provides for the necessary measures regarding the import of rough diamonds, thereby implementing Council Regulation (EC) No. 2368/2002.

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[13] *Stcrt.* 39, 24 February 2003.